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U.S. DISTRICT COURT
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December 8, 2023

VIA ECF

The Honorable Sarah Netburn
S.D.N.Y. Thurgood Marshall Courthouse
New York, NY 10007

Re: *Lynne Freeman v. Tracy Deeks-Elkenaney et. al.*, 1:22 Civ 02435 (LLS)(SN)

Dear Judge Netburn:

The parties write jointly to request a further modification of the page limits and allocations for the remainder of summary judgment briefing. As outlined below, this request would have Defendants respond to Plaintiff's consolidated opening copyright brief with their own consolidated opening/opposition copyright brief, with state-law issues broken off into separate shorter briefing. This letter does not request a modification of any dates or the procedure for *Daubert* briefing.

The existing procedure under the Amended Scheduling Order and Second Amended Scheduling Order (ECF Nos. 260, 269, clarified by ECF No. 271), is as follows:

- Plaintiff's opening consolidated copyright brief (filed Nov. 22): 30 pages
- Publishing and Prospect Defendants' opening/opposition briefs (due Dec. 22): 50 pages each
- Plaintiff's opposition/replies to the Publishing/Prospect Defendants' briefs (due Jan. 31, 2024): 40 pages each
- Publishing and Prospect Defendants' respective reply briefs (due Feb. 21, 2024): 15 pages each

The parties jointly request that the remaining briefing be modified as follows:

- Briefs due Dec. 22:
 - Defendants' consolidated opening/opposition brief on copyright claims: 60 pages
 - Prospect Defendants' opening brief on state-law claims: 20 pages
- Briefs due Jan. 31:
 - Plaintiff's consolidated opposition/reply brief on copyright claims: 50 pages
 - Plaintiff's opposition brief on state-law claims: 20 pages
- Briefs due Feb. 21:
 - Defendants' consolidated copyright reply brief: 20 pages
 - Prospect Defendants' state-law reply brief: 10 pages

The parties' joint request to modify page limits is DENIED. The parties shall abide by the page limits specified in the Second Amended Scheduling Order.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

Cowan, D.

41 Madison
38th Floor
New York, NY 10010

Dated: December 11, 2023
New York, New York

Beverly Hills, CA 90212

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Respectfully submitted,

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